

FRANK L. WOOD  
Controller

EPA Region 5 Records Ctr.



339867

TELEDYNE CAE

1330 LASKEY ROAD

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TOLEDO, OHIO 43612-0971

(419) 470-3534

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September 28, 1993

**R E C E I V E D**  
OCT 01 1993

**SUPERFUND PROGRAM  
MANAGEMENT BRANCH**

**Ms. Marsha A. Adams, 5HSM-5J  
Responsible Party Search Section  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590**

**RE: Request for Information  
Stickney Avenue Landfill and Tyler Street Dump Sites  
Toledo, Ohio**

**Dear Ms. Adams:**

**This letter is in response to U. S. EPA's request for information dated August 12, 1993. Pursuant to U. S. EPA's letter, Teledyne CAE was given 30 calendar days from receipt to respond. Pursuant to Teledyne CAE's verbal request for an extension, U. S. EPA granted until September 30, 1993 to reply.**

**Teledyne CAE initially notes that the information request covers a thirty (30) year period, 1951-1981, which time period began forty-two (42) years ago and ended twelve (12) years ago. Since Teledyne CAE's general document retention policy is to retain records only for seven to ten years, it is extremely difficult, if not impossible, to reconstruct the pertinent documentation or information. Additionally, many former employees who may have knowledge regarding the earlier years are deceased.**

**Teledyne CAE states that production of the small gas turbine engines began at the Toledo, Ohio, plant in 1955. Prior to 1955, CAE was not located in Toledo. Therefore, Teledyne CAE's response does not include the years from 1951 to 1955.**

**In response to the Information Request, Teledyne CAE has diligently conducted an initial search for relevant records and present and former employees knowledgeable of the matters raised in the Information Request related to the Stickney Avenue Landfill and Tyler Street Dump Sites for the period of 1955 to 1981.**

**Request for Information**

**Stickney Avenue Landfill and Tyler Street Dump Sites  
Toledo, Ohio**

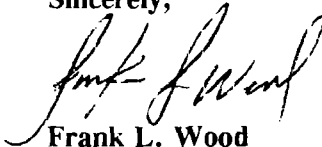
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**September 28, 1993**

The enclosed response, together with this letter, constitutes Teledyne CAE's response to the Information Request. This response is based upon information known or believed to be true by Teledyne CAE at the time of answering the request. Since limited time was allowed to respond and because of the information requested dates back many years and is difficult or impossible to reconstruct or retrieve, Teledyne CAE reserves the right to amend this response if it learns of any information that demonstrates its response was incorrect when made, though believed to be correct when made, or is no longer true.

Please feel free to contact the undersigned if you have any questions regarding this response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank L. Wood".

**Frank L. Wood  
Controller**

**FLW/mfb**

**STICKNEY AVENUE LANDFILL  
AND TYLER STREET DUMP SITES**

**TELEDYNE CAE'S RESPONSE TO  
EPA SECTION 104(e) INFORMATION REQUEST  
DATED AUGUST 12, 1993**

This Response and the attached cover letter jointly constitute Teledyne CAE's Response to EPA's Information Request.

**General Response To Instructions**

Teledyne CAE initially responds to Instructions Nos. 4, 6, 7, 9.

**INSTRUCTION NO. 4**

4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement his/her response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of his/her response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA thereof as soon as possible.

**RESPONSE TO INSTRUCTION NO. 4**

4. Teledyne CAE objects to any attempt by EPA to create a continuing duty for Teledyne CAE to supplement its response, on the ground that such instruction exceeds the statutory authority of CERCLA.

Without waiving its objection, however, if Teledyne CAE becomes aware of any information that demonstrates its response was incorrect when made, though believed to be correct when made, or is no longer true, then Teledyne CAE voluntarily will supplement its response.

**INSTRUCTION NO. 6**

6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

#### RESPONSE TO INSTRUCTION NO. 6

6. Teledyne CAE initially notes that the Information Request covers a thirty (30) year period, 1951-1981, which time period began forty-two (42) years ago and ended twelve (12) years ago. Since Teledyne CAE's document retention policy is to retain general records only for seven (7) to ten (10) years, it is extremely difficult, if not impossible to reconstruct the pertinent documentation or information. As such, Teledyne CAE objects to instruction No. 6 for the reasons that it is unduly burdensome and overbroad by seeking to require responses based upon "all information and documents" in the "possession, custody or control" of "former or current employees, agents, servants, contractors or attorneys."

To the extent Instruction No. 6 seeks the production of information or documents which are subject to attorney-client privilege or other privilege, or which constitute protected attorney work product, Teledyne CAE incorporates by reference its objection to Instruction No. 9.

#### INSTRUCTION NO. 7

7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between 1951 and 1981. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

#### RESPONSE TO INSTRUCTION NO. 7

7. Teledyne CAE objects to Instruction No. 7 for the reasons that it is unduly burdensome and overbroad by seeking to require interviews of "present and former employees who may have knowledge" of the "practices of the Respondent between 1951 and 1981."

Teledyne CAE further objects to Instruction No. 7 to the extent that the use of the words "may have" knowledge of operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices calls for guessing or speculative responses.

Teledyne CAE further objects to any attempt to require notarized affidavits by either a "responsible company official or representative" or for supporting information based upon "personal knowledge" for the reason that such requests exceed the scope of the authority under CERCLA.

Without waiving its objection, Teledyne CAE states that an initial search for records and present and former employees knowledgeable of the matters raised in the Information Request has failed to reveal any employees with knowledge of operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices or records connected with the Stickney Avenue Landfill and the Tyler Street Dump Sites.

#### **INSTRUCTION NO. 9**

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36901 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA. In order to facilitate handling any confidential business or financial information, please provide such information on separate pages and group all such pages together in one portion of the response. Clearly identify the information as confidential by placing the word "confidential" in the upper right hand corner of the first page containing the information and on the cover letter transmitting it.

#### **RESPONSE TO INSTRUCTION NO. 9 AND SUPPLEMENTAL RESPONSE TO INSTRUCTION NO. 6**

9. Teledyne CAE objects to Instructions Nos. 9 and 6 to the extent that an answer or response would require Teledyne CAE

to provide information or documents which are subject to the attorney-client privilege or other legal privilege, or which constitutes protected attorney work product, or which are not otherwise discoverable.

Without waiving its objections, however, Teledyne CAE has located no documents or information related to the Stickney Avenue Landfill or the Tyler Street Dump Site ("Site").

#### GENERAL RESPONSE TO DEFINITIONS

Teledyne CAE responses to Definitions Nos. 1 and 11 as follows:

##### DEFINITION NO. 1

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries, and agents.

##### RESPONSE TO DEFINITION NO. 1

1. Teledyne CAE objects to Definition No. 1 to the extent that the words "trustees, predecessors, partners, successors, assigns, subsidiaries, and agents" seeks information concerning such entities which are not related to the Site or the subject matter at issue. Teledyne CAE objects to this Definition on the ground that it exceeds the authority of CERCLA to the extent it seeks information not related to the Site.

Without waiving its objections, Teledyne CAE states that, based upon its initial internal review, there is no indication that any of these entities have any linkage to the Site.

##### DEFINITION NO. 11

11. The terms, "furnish", "describe", or "identify" or "indicate", shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

### RESPONSE TO DEFINITION NO. 11

11. Teledyne CAE objects to the second sentence of Definition No. 11 (i.e., "Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response") on the grounds that it is vague and ambiguous.

Without waiving its objection, however, Teledyne CAE will interpret this sentence to mean that information related to the Site which is discovered during oral interviews that is responsive to the Information Request regarding Teledyne CAE will be reduced to writing.

### RESPONSE TO REQUESTS

#### REQUEST NO. 1

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

#### RESPONSE NO. 1

1. Teledyne CAE objects to Request No. 1 on the grounds that it is overbroad and not related to the Site at issue to the extent that it seeks the identification of persons consulted who did not have any information which was responsive to the Information Request.

Without waiving its objection, however, Teledyne CAE states that the following persons were consulted in the preparation of this Response:

- a. Frank Wood  
Comptroller  
Teledyne CAE  
1330 Laskey Road  
Toledo, Ohio 43612-0971

(419) 470-3534

b. Thomas E. Elliott  
Senior Administrator --  
Safety, Fire and Environmental Compliance  
Teledyne CAE  
1330 Laskey Road  
Toledo, Ohio

(419) 470-3014

c. Donald M. Becker  
Director of Operations  
Teledyne CAE  
1330 Laskey Road  
Toledo Ohio

(419) 470-3140

**REQUEST NO. 2**

2. Identify all documents consulted, examined, or referral to in the preparation of the answers to these Requests and provide copies of all such documents.

**RESPONSE NO. 2**

2. Teledyne CAE objects to Request No. 2 on the grounds that it is overbroad and not related to the Site at issue in that it seeks the identification of documents consulted, examined, or referred to that did not contain any information which was responsive to the Information Request. Teledyne CAE further objects to the extent that an answer or response would require Teledyne CAE to provide information or documents which are subject to attorney-client privilege or other privilege, or which constitute protected attorney work product, or which are not otherwise discoverable.

Without waiving its objection, however, Teledyne CAE states that it conducted an initial review and search for documents in connection with the Site at issue. Teledyne CAE has not found any such documents, and does not believe any exist, relative to the Site. Due to the document retention policy explained in Teledyne CAE's response to Instruction No. 6, Teledyne CAE's general records are discarded every seven (7) to ten (10) years.

**REQUEST NO. 3**

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.



**RESPONSE NO. 3**

3. Teledyne CAE objects to Request No. 3 to the extent that the use of the words "reason to believe" calls for guessing or a speculative response.

Without waiving its objection, however, Teledyne CAE states that it has performed a diligent interviewing process with present and former employees of Teledyne CAE, but has no knowledge or information pertaining to, and has been unable to identify, any persons who can provide a more detailed or complete response to these Information Requests or additional documents.

**REQUEST NO. 4**

4. List the EPA Identification Numbers of the Respondent.

**RESPONSE NO. 4**

4. The identification number assigned by EPA to Teledyne CAE is OHD005046677.

**REQUEST NO. 5**

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

**RESPONSE NO. 5**

5. Teledyne CAE objects to Request No. 5 to the extent that use of the words "may have" regarding persons whose acts or omissions caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom, calls for guessing or a speculative response.

Without waiving its objections, however, to the extent that such request refers to the Stickney Avenue Landfill Site and the Tyler Street Dump Site, Teledyne CAE states that it has no knowledge or information regarding persons whose acts or omissions caused the release or threat of release of hazardous substances, pollutants, or contaminants, or of any damages resulting therefrom.

REQUEST NO. 6

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of materials at the Site.

RESPONSE NO. 6

6. Teledyne CAE objects to Request No. 6 to the extent that it seeks information concerning "all persons" that have knowledge or information on the grounds that it is overbroad and burdensome and exceeds the scope of authority granted by CERCLA.

Without waiving its objections, however, Teledyne CAE states that its initial internal review did not identify persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of materials at or to the Stickney Avenue Landfill or the Tyler Street Dump Sites.

REQUEST NO. 7

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:
  - a) The person with whom you or such other persons made such arrangements;
  - b) Every date on which such arrangements took place;
  - c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
  - d) The owner of the waste materials or hazardous substances so accepted or transported;
  - e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
  - f) All tests, analyses, and analytical results concerning the waste materials;

- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual method, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
- q) All persons with knowledge, information, or documents responsive to a - p above.

**RESPONSE NO. 7**

7. a) - q)

Teledyne CAE objects to Request No. 7, and all of its subparts, to the extent that use of the words "may have" regarding individuals who arranged for disposal or treatment, or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site calls for guessing or a speculative response.

Without waiving its objection, however, Teledyne CAE states that it has no knowledge or information regarding any individuals who arranged for disposal or treatment, or arranged for transportation for disposal or treatment of waste materials, including hazardous substances at the Site.

Teledyne CAE further states that its initial internal review has failed to reveal any indication that Teledyne CAE had any involvement with the Site.

**REQUEST NO. 8**

8. If your waste was not taken to the Stickney Avenue landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

**RESPONSE NO. 8**

8. Teledyne CAE objects to Request no. 7 on the grounds that it is overbroad and exceeds the scope of authority granted by CERCLA to the extent the request seeks information not related to the Site at issue.

Without waiving its objections, however, Teledyne CAE states that prior to 1955, CAE was not located in Toledo, Ohio. Teledyne CAE further states that its initial internal review revealed that there was in place a general policy to send scrap metal and liquid materials to recycling and reclamation companies.